

United Nations

S/PV.7706



Security Council

Seventy-first year

Provisional

7706th meeting

Monday, 6 June 2016, 3 p.m.

New York

President: Mr. Delattre (France)

Members:

Angola	Mr. Lucas
China	Mr. Shen Bo
Egypt	Mr. Aboulatta
Japan	Mr. Akahori
Malaysia	Mr. Ibrahim
New Zealand	Mr. Taula
Russian Federation	Mr. Safronkov
Senegal	Mr. Ciss
Spain	Mr. Oyarzun Marchesi
Ukraine	Mr. Vitrenko
United Kingdom of Great Britain and Northern Ireland ..	Mr. Rycroft
United States of America	Ms. Sison
Uruguay	Mr. Bermúdez
Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)

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The meeting was called to order at 3.05 p.m.

(spoke in English)

Adoption of the agenda

The agenda was adopted

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/452)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2016/452, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

At this meeting, the Security Council will hear briefings by Mr. Martin Kobler, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, and by Ambassador Ramlan Bin Ibrahim, Permanent Representative of Malaysia, in his capacity as the Chair of the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya.

I now give the floor to Mr. Kobler.

Mr. Kobler (*spoke in French*): The Security Council has received the Secretary-General's latest report (S/2016/452) on the activities of the United Nations Support Mission in Libya (UNSMIL), which details the work of the Mission since 26 February. The report also sets out the political progress in Libya and depicts the tragic humanitarian situation that is giving rise to personal tragedies and collective suffering. I therefore begin by emphasizing the humanitarian crisis and the human tragedy afflicting Libya.

In the few weeks since the preparation of the report, more than 6,000 families from Sirte alone have fled their homes to escape the ongoing clashes and military operations against Da'esh, not to mention the day-to-day hardships of life under Da'esh. Many are taking shelter in schools, universities and public buildings. The number of displaced persons in Libya has reached a staggering 435,000. The capacity of local communities and aid agencies to host and provide assistance to them has been stretched to breaking point.

In the month of May, 1,100 migrants died tragically in the central Mediterranean Sea. On a single day — 26 May — 500 migrants drowned off the coast of Libya, including 40 children. To date, the number of migrants who have drowned this year has increased more than 30 per cent as compared to the same period last year.

In a natural resources-rich country like Libya, it is unacceptable that the health-care system is so thoroughly dilapidated, that vital infrastructure has been thoroughly damaged and that there are acute shortages in health workers and essential medicines and supplies.

All that is the consequence of the continued lack of State authority in most parts of the country. Next week marks six months since the signing of the Libyan Political Agreement last December. The signing represented the first time that the Libyan people had dared believe again that peace and unity in Libya were attainable. It was the first time they dared hope that guns, which had brought untold suffering and destruction upon their lives, could finally be silenced. Armed with nothing but the legitimacy bestowed on them by the Libyan Political Agreement, seven courageous members of Libya's Presidency Council took the bold step, on 30 March, to courageously cross the sea from Tunisia to Tripoli. Still, the sense of hope and optimism with which people across Libya welcomed the signing of the Agreement and the arrival of the Presidency Council in Tripoli stands in contrast today to their sense of growing impatience and concern.

At this critical moment in Libya's transition, facts must be acknowledged as they are. It has been almost five months since the Presidency Council submitted a revised proposal for the Government of National Accord. Today, Libya is still without a formally endorsed Government. The implementation of the

Libyan Political Agreement has stalled because some parties to the Agreement have failed to uphold their commitments. The House of Representatives has an integral role to play in Libya's democratic transition. However, it must make progress in fulfilling its obligations under the Libyan Political Agreement to hold a vote on endorsing the Government of National Accord. Given the scale of the problems facing Libya's population, the country must have a functioning Government, ministries and bureaucracy. The rapidly deteriorating humanitarian situation and the escalating military tensions linked to the fight against Da'esh require boldness, determination and decisiveness.

I wish to take this opportunity to commend the efforts of the Presidency Council over recent weeks to seize the initiative and exercise leadership. It decided to establish joint operation rooms to coordinate military operations against Da'esh, and it instructed ministers to begin work pending their formal swearing-in. Those are steps in the right direction.

I welcome the League of Arab States declaration of 28 May, which encouraged the acting ministers of the Government of National Accord to work from Tripoli until the House of Representatives formally endorsed the Government. The League of Arab States also recognized the Government of National Accord as the sole legitimate Government for Libya and called on Member States to refrain from communicating with any other parallel executive bodies. I also commend the efforts of the African Union and its High Representative for Libya, former President Jakaya Kikwete. This morning the Security Council heard a briefing by Ms. Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy (see S/PV.7706). The contributions of the European Union to peace, development and the fight against human trafficking are commendable and invaluable.

If there is any hope for the Libyan people to exit from the current situation that has engulfed their country, there must be clear lines and principles. As a matter of immediate priority, I propose the following six points.

First, the Libyan Political Agreement, endorsed by the House of Representatives on 25 January, remains the sole legitimate framework for managing the remainder of Libya's political transition until a permanent constitution is adopted.

Secondly, the House of Representatives remains the institution to endorse and swear in the Government of National Accord. However, it must do so. After two unsuccessful attempts, in February and April, it is high time that the Speaker assume his responsibilities to convene a parliamentary session free of intimidation and threat, in order to take a vote on the proposed Government of National Accord. I also suggest that the House of Representatives request the League of Arab States, the African Union, the United Nations and other members of the international community to attend those sessions as observers.

Thirdly, it is vital that the Presidency Council works in its entirety, with all nine members. I encourage the members who do not attend the meetings to rejoin the Presidency Council.

Fourthly, the Presidency Council will need to move quickly to meet the basic needs of the Libyan people. Immediate steps are needed to ensure that shortages in cash availability, food and electricity are satisfactorily addressed without further delay. The United Nations and its partners in the international community are ready to assist.

Fifthly, the Presidency Council is the sole legitimate recipient of international security assistance in its capacity as supreme commander of a united Libyan army.

Sixthly, averting hostilities among the different Libyan security actors involved in the fight against Da'esh requires an inclusive interim security arrangement, including temporary command-and-control arrangements for the army. There simply can be no half-solutions.

There was considerable progress over recent days and weeks in the fight against Da'esh. I commend all those who have fought against terrorism in all parts of the country, including in Benghazi and Derna. I deplore the deaths of so many brave sons of Libya. Last week, I visited Misrata and its hospital, with its wounded. I have seen at first-hand the resolve and the commitment to fight Da'esh.

However, I am also concerned about the military situation in the country. The oil crescent region has witnessed a build-up of military formations. Libyan army units have moved into the area from the east. Forces under the Presidency Council have been engaged in clashes with Da'esh in areas west of Sirte. However,

uncoordinated military actions on the ground have raised the spectre of direct clashes among the different forces fighting Daesh. The possibility of renewed military escalation in Libya should be a matter of grave concern for all. Libyans must not fight each other. They must fight united against the common enemy.

Our Mission has been actively engaging with all sides to help build consensus around a unified security architecture and has assisted the Presidency Council with expertise and good offices. However, we must recognize that Libya is a country awash with weapons — 20 million pieces of weaponry in a land of 6 million inhabitants. Those weapons do not fall from the sky, but come in increasingly through illegal shipments by sea and by land. Those arms fuel the conflict. The shipments must end, if there is to be any serious hope of bringing peace to Libya. Weapons should go only to regular forces after approval by the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya.

The volatile situation in Libya is prone to lead to further war crimes. All military actors in Libya must act within the bounds of international humanitarian law, and those who do not must be brought to account. I recently visited the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, to express my support for the role that her Office can play in the fight against impunity. The work of the ICC is needed in Libya now more than ever. I ask all Member States that share my concerns for the ongoing international crimes in Libya to provide the Office of the Prosecutor with all the required information — but, above all, with financial resources to prosecute new crimes.

I would like to thank the Council for its close engagement on Libya and for its support for a political resolution there. As the report before the Council shows, there is an urgent need for UNSMIL to re-establish its presence in Libya.

The establishment of regular UNSMIL flights to Tripoli has facilitated some direct contact with key partners. However, such intervals of quick engagement are insufficient. It is likely that the request for assistance will increase as ministries and the bureaucracy become functional again. It is essential that UNSMIL be on the ground and ready to meet the immediate needs and priorities of Libyans.

Allow me to add a few words in Arabic on the occasion of the holy month of Ramadan.

(spoke in Arabic)

Today is the first day of Ramadan, a month traditionally associated with a commitment to peace, justice, compassion and reconciliation. I hope that it will in fact be a month of dialogue. I wish the people of Libya Ramadan Kareem.

The President *(spoke in French)*: I thank Mr. Kobler for his briefing and for his commitment.

I now to give the floor to Ambassador Ibrahim in his capacity as the Chair of the Security Council Committee established pursuant to resolution 1970 (2011).

Mr. Ibrahim (Malaysia): In accordance with sub-paragraph (e) of paragraph 24 of resolution 1970 (2011), of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established by that resolution. The report covers the period from 3 March to 6 June, during which time the members of the Committee met three times in informal consultations. At the outset, I would like to highlight the Committee's activity relating to the implementation of resolution 2146 (2014).

Following a request from the Permanent Representative of Libya to the United Nations on 26 April, on 27 April the Committee added a vessel attempting to illicitly export crude oil from Libya to a State on its sanctions list. Prior to the designation, the Committee had written to the Member States concerned to seek additional information on the vessel. The reported State of destination, Malta, and the flag State, India, responded in a fully cooperative manner, on 27 and 29 April, and on 3 May, respectively.

After the designation, the vessel returned to Libya and offloaded its cargo at Zawiya port. Promptly thereafter, pursuant to a delisting request submitted by the flag State on 9 May, and having received an indication from the Permanent Mission of Libya to the United Nations that it had no objection to the vessel's delisting, the Committee removed the vessel from its sanctions list on 12 May. That was the first application of resolution 2146 (2014), involving the cooperation of Member States and Committee members and the assistance of the Panel of Experts.

I would now like to provide a snapshot, in chronological order, of the other activities of the Committee during the reporting period.

In informal consultations on 3 March, the Committee discussed the final report (see S/2016/209) and recommendations of the Panel of Experts submitted in accordance with resolution 2213 (2015). Since the report is publicly available, I will not summarize its findings. In general, the report was well received. The main issues raised by Committee members during the discussion of the final report included reported violations of the arms embargo and how to enhance the implementation of that measure, the flow of foreign terrorist fighters to Libya, the loss of value of certain frozen assets and how to avoid such occurrence, the targeting of individuals that can be subject to sanctions as per the relevant Security Council resolutions, and the Panel's limited access to Libya. Of the 26 recommendations, the Committee agreed to take follow-up action on 4 and agreed to revert to 10 at a later stage. One recommendation, pertaining to designation of individuals, first requires action by a sponsoring Member State. Another recommendation, pertaining to the adoption of an implementation assistance notice on the assets freeze, first requires the lifting of a hold by a Committee member. Yet another recommendation concerning the management of expert groups was deemed as falling outside the Committee's mandate. The remaining nine recommendations were addressed to the Security Council.

On 15 March, the Committee approved a notification, submitted by the United Kingdom under sub-paragraph (b) of paragraph 19 of resolution 1970 (2011), in relation to the assets-freeze measure after the hold placed by a member of the Committee was lifted. On 31 March, the Council adopted resolution 2278 (2016), which extends the mandate of the Panel of Experts until 31 July 2017. Subsequently, on 6 April and 16 May, the Committee received from the Under-Secretary-General for Political Affairs proposals for experts to serve on the extended Panel. The Committee approved five experts on 28 April, and a sixth expert on 23 May.

Following up on a recommendation contained in the final report of the Panel of Experts, the Committee updated some existing entries in its sanctions list on 1 April, and issued a corresponding press release and note verbale to all Member States. On 27 April, the Committee received a letter from the Permanent Representative of Turkey to the United Nations, in relation to the final report of the Panel of Experts. The Committee also received a letter from the Panel

of Experts on 28 April, reporting a possible transfer of military materiel to Libya in violation of the arms embargo. On 23 May, the Committee received a request for guidance from Egypt on the assets-freeze measure, to which it responded on 3 June.

Finally, the Committee met twice in informal consultations on 3 June, the first time to hear a presentation from the newly appointed Panel of Experts on its programme of work under the extended mandate, and the second time in follow-up on a recommendation contained in the final report of the Panel, namely, to hold a joint discussion with the Sanctions Committee on the Islamic State in Iraq and the Levant (ISIL) and Al-Qaida. During the first discussion, the Panel informed the Committee of its intended areas of priority and focus, and the Committee members provided their feedback. In the second discussion, following brief interventions by both the Panel of Experts and the Analytical Support and Sanctions Monitoring Team, Committee members emphasized the added value of cooperation and information-sharing between the two expert groups to enable the Security Council to gain a comprehensive view of the threat of ISIL and other terrorist groups in Libya. Committee members agreed that a second joint meeting in which the two expert groups would jointly brief the two Committees would be useful.

The President (*spoke in French*): I thank Mr. Ibrahim for his very comprehensive briefing.

I now give the floor to the representative of Libya.

Mr. Dabbashi (Libya) (*spoke in Arabic*): I would like to begin by congratulating France on its accession to the presidency of the Security Council for the month of June. I would also like to thank Mr. Martin Kobler, Special Representative of the Secretary-General, for his very valuable briefing. I would also like to extend my gratitude to Mr. Ramlan Bin Ibrahim for his update on the work of the Sanctions Committee established pursuant to resolution 1970 (2011).

On behalf of the Government of Libya, I would like to commend the Security Council's intention to extend the mandate of the United Nations Support Mission in Libya (UNSMIL), a step that should be taken next few days by the Security Council. It is also our hope that UNSMIL will be able to move in full force to Tripoli as soon as possible and that it will be able to work more actively over the next few months to fulfil its mandate, in particular to make progress on the implementation

of the Libyan Political Agreement and provide the necessary assistance and support for State institutions to be set up and to be up and running.

In the light of the total failure of Libyan Governments over the past five years — Governments that did not respond to the aspirations of the citizens of Libya themselves — and against the backdrop of the large-scale welcome for the Libyan Political Agreement and the approval by the House of Representatives of the Agreement on 23 January, despite some of the challenges it faced, I would say that unity among our partners when it comes to an international consensus in support of the Government of National Accord is crucial at this time.

It is a very positive sign that Security Council resolutions have referred to the Government of National Accord as the sole legitimate Government in Libya. The resolutions also call upon Member States to refrain from communicating with any other parallel institution. However, that is not enough. More still needs to be done because the success of the Government of National Accord depends upon the robust and honest implementation of the provisions of the Libyan Political Agreement, beginning with the implementation of the security arrangements and the setting up of an armed force to secure the city of Tripoli, in cooperation with the police. Such a force must be properly equipped and capable and should enjoy the full support of the international community in order to be able to counter any threat posed by one or more armed groups. Such a force would allow the Government of National Accord to move freely within the capital.

I reviewed the report (S/2016/452) of the Secretary-General that is before the Security Council, and I am able to say that it has some shortcomings at the professional level when it comes to the way it describes some aspects that are crucial to the Libyan political scene. I made that point in identical letters addressed to the President of the Security Council and to the Secretary-General on 2 June, which will be issued as document S/2016/508. I would like to reiterate that the Secretariat should refrain from using unrealistic terminology and erroneous or fictitious names, because that only further complicates the political mix in Libya and does not allow us to ease tensions and overcome the impasse we are in today in order to fully implement the Libyan Political Agreement. By way of example, it is premature to talk today about forces controlled by the Government of National Accord. Such a reference

can be found in the report of the Secretary-General, which states:

"As with previous administrations, a key challenge facing the new transitional authorities in Libya is the urgent need to address the widespread proliferation of weapons and the large number of armed groups. Although nominally under State authority, the majority of these groups continue to operate outside the effective control of the Libyan State and Government. It is critical that the Libyan authorities put in place a viable plan that paves the way for the State to gradually exercise an unqualified monopoly over the use of force as outlined in the relevant provisions of the Libyan Political Agreement. This includes the development of professional State security institutions, the successful demobilization and integration or reintegration of fighters, and the implementation of effective defence and police reform programmes." (S/2016/452, para. 82)

It is not enough for armed groups to declare their support for the Government of National Accord for them to be considered as having been placed under the Government's authority. That requires a binding agreement in which the armed groups wholeheartedly declare their approval of the Libyan Political Agreement and the provisions set out therein, including the security arrangements. The armed groups also must make it abundantly clear that they intend to hand over their weapons and that each member intends to join State institutions. The majority of Libyans doubt that the armed groups will accept those terms. In the absence of such agreement, and given the lack of a professional security environment, as indicated by the report of the Secretary-General, such terrorist groups will continue to pose a threat to the Government of National Accord and the Government might indeed become a target for terrorist activities or extortion, as has been the case with other Governments, if the Government stops financially supporting the armed groups.

It is crucial that the Presidency Council of the Government of National Accord, together with the full support of UNSMIL, establish a database containing information on armed groups, their leaders, their locations and lists of their members who wish to join the State's military and civilian protection forces to facilitate their integration in the institutions of the Libyan State.

UNSMIL is the sponsor of the Libyan Political Agreement, and therefore has a key role to play as an honest broker of the Agreement. UNSMIL must pay attention and respond to each and every violation of the Agreement and not simply sweep them under the carpet, because any violation of the Agreement by any party might encourage other parties to undermine its implementation. If Council members want proof of what I mean, they can look at the former members of the General National Congress who have set up their own State council and have appointed some controversial persons to it.

UNSMIL needs to change the way it has been operating and needs to become more actively involved in events in Libya and provide suggestions and advice, even if it is not directly asked for its advice. However, UNSMIL's response to our requests for support is a herculean task, because of the absence of State institutions or expertise in the different sectors of the Libyan State, as we have seen over the past five years. Many people in charge have not had access to expert advice and did not even know what they were actually seeking. They have not been able to envision a functioning State structure for the team working for them.

The implementation of the Libyan Political Agreement, in accordance to an agreed timeline, and support for the establishment of State institutions need to be at the heart of UNSMIL's mandate over the next few months. Such a mandate needs to focus on peacekeeping and a sustainable stability plan for Libya, the elements of which were set out in a letter (S/2014/632) dated 27 August 2014.

The Presidency Council of the Government of National Accord has a very difficult task before it. The Council can be successful in its role only if its members disregard the context of their appointment and work in a unified way and collectively assume responsibility. They must put an end to institutional divisions by replacing former leaders of institutions with other leaders, in particular leaders of financial and monitoring institutions, on the basis of who has the most experience.

It is our hope that the efforts currently under way will be fruitful, that the city of Sirte will be liberated and that the presence of Da'esh there will end in the next two weeks. But to date we have seen no plan for the city of Sirte in the aftermath of its liberation, a plan that should include the facilitated return of displaced persons, the return to functioning of local authorities and security entities, and the departure of armed groups from Sirte. This is a crucial stage, because we do not want to find Al-Qaida in Sirte after Da'esh leaves. We do not wish to see a recurrence of the reprehensible practices carried out by armed groups in various Libyan cities in the past, including the confiscation of State property and that of citizens, and human rights violations.

The United Nations Support Mission in Libya must guard against such violations and prevent them, working jointly with the Presidential Council of the national unity Government.

The President (spoke in French): I now invite the members of the Security Council to informal consultations to continue our discussion on the subject.

The meeting rose at 3.40 p.m.